

## **EXHIBIT 22**

**to Declaration of William J. Goines in Opposition to  
Plaintiffs' Motion for Class Certification**

1 William J. Goines (SBN 061290)  
2 Alisha M. Louie (SBN 240863)  
3 GREENBERG TRAURIG, LLP  
4 1900 University Avenue, Fifth Floor  
5 East Palo Alto, CA 94303  
6 Telephone: (650) 328-8500  
7 Facsimile: (650) 328-8508  
8 Email: goinesw@gtlaw.com  
9 louiea@gtlaw.com

10  
11 Jeremy A. Meier (SBN 139849)  
12 GREENBERG TRAURIG, LLP  
13 1201 K Street, Suite 1100  
14 Sacramento, CA 95814-3938  
15 Telephone: (916) 442-1111  
16 Facsimile: (916) 448-1709  
17 Email: meierj@gtlaw.com

18 Attorneys for Defendants Polo Ralph Lauren  
19 Corporation; Polo Retail, LLC; Polo Ralph Lauren  
20 Corporation, doing business in California as Polo Retail  
21 Corporation; and Fashions Outlet of America, Inc.

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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

ANN OTSUKA, an individual; JANIS KEEFE,  
an individual; CORINNE PHIPPS, and  
individual; and JUSTIN KISER, an individual;  
and on behalf of all others similarly situated,

Plaintiff,

v.

POLO RALPH LAUREN CORPORATION, a  
Delaware Corporation; et al.,

Defendants.

Case No. C07-02780 SI

**DECLARATION OF CORINE  
GARRAHAN IN SUPPORT OF  
DEFENDANTS' OPPOSITION TO  
MOTION FOR CLASS  
CERTIFICATION**

Date: July 11, 2008

Time: 9:00 a.m.

Dept: Courtroom 10, 19<sup>th</sup> Fl.

Judge: Hon. Susan Illston

1 I, Corine Garrahan, hereby affirm, under penalty of perjury, as follows:

2 1. I presently am the General Manager for Polo Ralph Lauren, located in Palo Alto,  
3 California ("Palo Alto store"). I have served in this position since February 2008. Previously, I have  
4 served in management roles for St. John, Emporio Armani, Dolce and Gabana and Tommy Hillfiger.

5 2. Presently, I oversee Home Collections Manager, Men's Department Manager,  
6 Women's Department Manager, Operations Manager ("Manager"). There is also one key holder  
7 ("Key Holder"). All Managers are paid a salary and are not compensated by the hour. The Key  
8 Holder is compensated by a draw versus commission rate of pay, plus a stipend for their extra  
9 responsibilities.

10 3. At present, there are approximately 18 sales associates that work in the store.

11 4. Myself along with the Home Collections Manager, Men's Department Manager,  
12 Women's Department Manager, and Operations Manager are responsible for interviewing new sales  
13 associate candidates. I meet every sales associate candidate who is ultimately hired, and would make  
14 the offer myself.

15 5. In the event a job offer is extended, I would explain scheduling, goal setting,  
16 compensation, rest and meal breaks, benefits and vacation time. I would use a Polo checklist as part  
17 of the job offer process to make sure that I explain everything that a new sales associate would need  
18 to know and answer any questions the sales associate might have.

19 6. During the orientation process, the sales associate is provided with a Polo Ralph  
20 Lauren Retail Employee Handbook, a Sales Associate Compensation Handbook, and an Assimilation  
21 Checklist of training procedures which includes the rest break and meal policy. Sales associates are  
22 also given an Asset Protection handbook that explains loss prevention procedures.

23 **COMPENSATION**

24 7. There are four sales associates that work part-time. All other sales associates are full-  
25 time. The full-time sales associates are scheduled for approximately 40 hours a week.

26 8. All sales associates are compensated by a draw versus commission rate of pay. Senior  
27 sales associates are compensated at a salary versus commission.  
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9. Most sales associates are career sales associates with a previous history in retail who manage a book of business with regular clients. Sales associates are required to build long-term relationships with clients and there is training and support to assist sales associates with follow up to help them maintain their book of business. The Palo Alto store caters to a luxury clientele and there are high expectations of the sales associates to preserve those relationships. For example, sales associates track the interests and needs of their clients and call them at home to inform them when new product arrives that might be of interest to the client.

10. Sales associates are not scheduled to work more than 8 hours in a day or 40 hours in a week.

## CLOCKING IN AND OUT

11. The Palo Alto store is open Monday - Friday 10:00 am - 9:00 pm, Saturday and 10:00 pm - 7:00 pm and Sunday 11:00 pm - 6:00 pm.

12. In the Palo Alto store, there are four shifts. There is an early morning shift from 9:00 am - 6:00 pm, a mid-shift from 11:00 - 8:00 pm, a late shift 12:30 pm - 9:30 pm and a late-late shift from 6:00 pm - 9:30 pm.

13. Sales associates are required to use the time-keeping system to record hours worked. Sales associates clock-in and out at one of the store's cash registers, known as the Point of Sale System ("POS") or computers which are located in the store's office space. There are 5 cash registers in the store located on the selling floor and there are two computer terminals located in the office space that can be used for timekeeping. Attached as Exhibit A is a true and correct copy of the floor plan for the Palo Alto store. The five store cash registers are designated "I" through "V" on Exhibit A. The two computers located in the office space are designated "VI" through "VII".

14. Sales associates clock-in at the start of their shift and clock out when they are ready to leave at the end of the day.

15. At the end of the day, sales associates usually complete their work according to department. Upon completion of their work in their department, sales associates will then clock out, gather their personal belongings, and then go through a bag inspection search. The closing manager

1 usually takes responsibility for performing the bag inspection check.

2 16. It is each sales associate's responsibility to clock-in and out each day. If a sales  
3 associate fails to clock in or clock out, the sales associate may advise a Manager who can discuss  
4 making appropriate changes including making a manual adjustment to the time clock record. Time  
5 clock adjustments are acknowledged in writing on a "Time Clock Correction" form filled out by sales  
6 associates and signed by a Manager and the sales associate with an explanation of the reason for the  
7 time change.

### 8 LOSS PREVENTION SEARCHES

9 17. Sales associates enter the store in the morning, prior to the store being open for  
10 business, through the patron door that faces the store's parking lot. Once the store has opened for  
11 business, sales associates may also enter the store through the second patron door that faces the mall.  
12 A true and correct copy of the floor plans for the Palo Alto store is attached hereto as Exhibit A. The  
13 patron door that faces the parking lot is designated as "A" and the patron door that faces the mall is  
14 designated as "B".

15 18. Each time a sales associate exits the store, he/she must undergo a loss prevention  
16 search. The loss prevention search is comprised of having a sales associate show a Manager or a Key  
17 Holder the inside of any bag that they have when they are exiting the store.

18 19. Loss prevention searches are conducted in the atrium, either near the patron door that  
19 faces the parking lot or the patron door that faces the mall. Sales associates are permitted to exit  
20 through both patron doors.

21 20. From the time a sales associate clocks out to the time that the sales associate exits the  
22 store, following a bag inspection search, I would estimate that this process takes approximately 30  
23 seconds to 2 minutes.

### 24 REST AND MEAL BREAKS

25 21. Meal breaks are scheduled among sales associates within each department, with  
26 approval from the Department Manager or manager on duty. Approximately 50% of the time, sales  
27 associates leave the store for meal breaks. Sales associates clock out for their meal breaks. If a sales  
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1 associate leaves for his/her meal break, he/she clocks out and then within minutes of clocking out,  
2 exits the store after going through a loss prevention search. Upon returning from a meal break or  
3 finishing their meal inside the store, sales associates clock in and return to work.

4 22. When sales associates return from their rest or meal break they enter the store through  
5 one of the patron doors.

6 23. Rest breaks are coordinated by the sales associates in each department, with the  
7 approval of the department manager. Polo authorizes and permits all sales associates to take a fifteen  
8 minute paid rest break after two hours of work.

9 24. Sales associates do not clock-out for rest breaks.

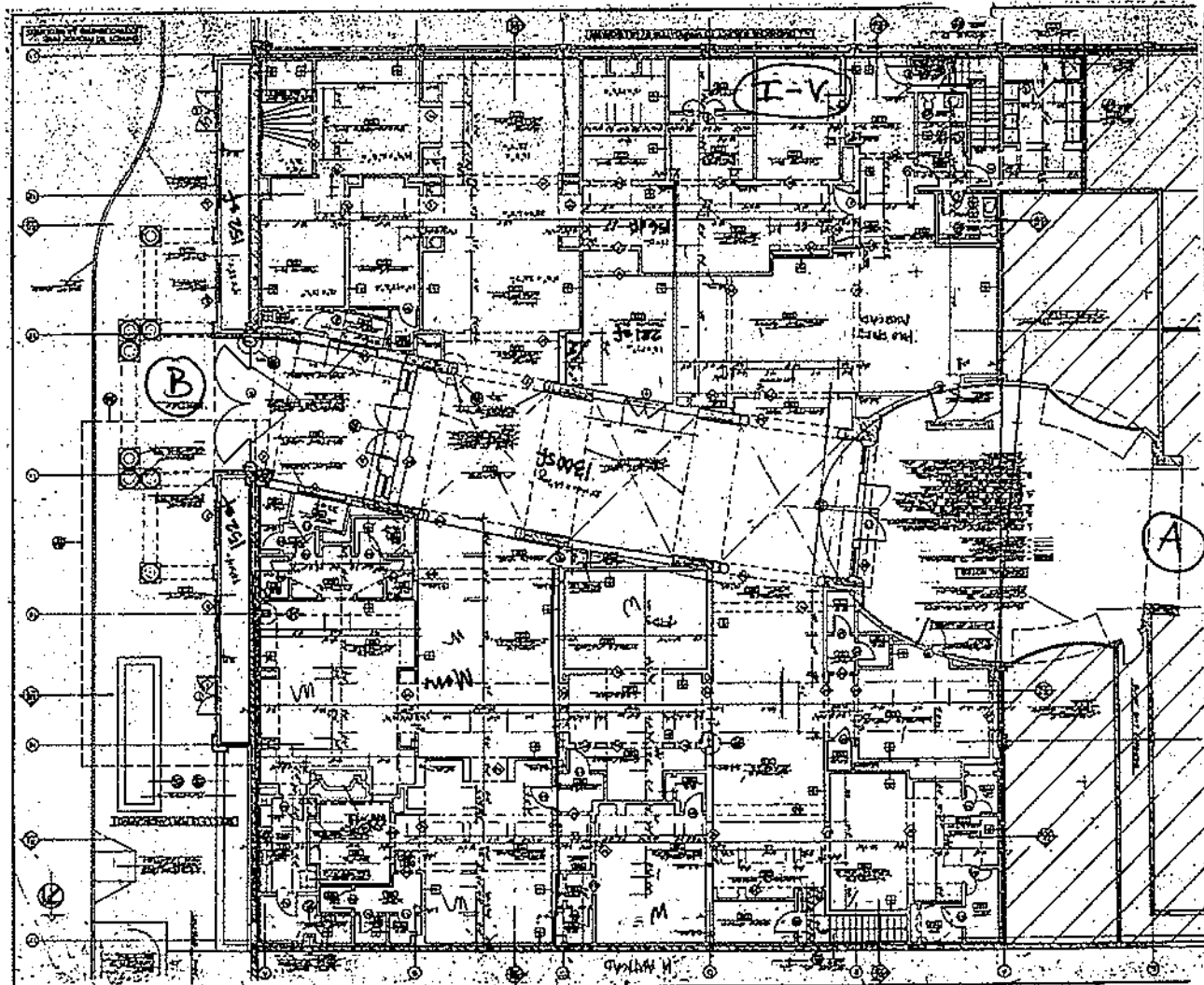
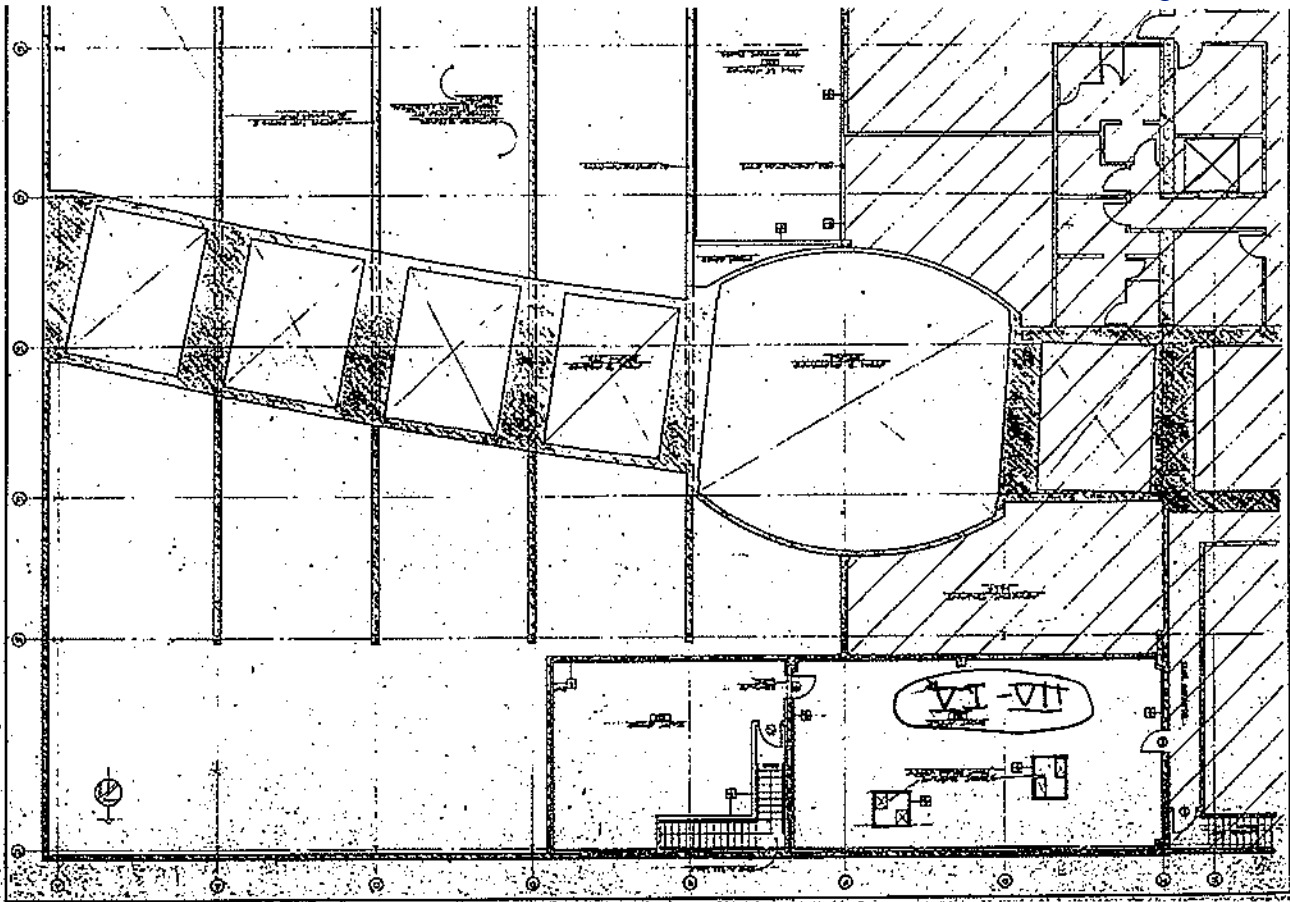
10 25. The rest and meal break policy is enumerated in the Polo Retail Employee Handbook.  
11 This material is reviewed with each sales associate during their orientation.

12 I declare under penalty of perjury under the laws of the State of California that the foregoing  
13 is true and correct.

14 Executed on June 13, 2008

15  
16   
17 Corine Garrahan





#810 CALIFORNIA - PALO ALTO

## **EXHIBIT 23**

**to Declaration of William J. Goines in Opposition to  
Plaintiffs' Motion for Class Certification**



William J. Goines (SBN 061290)  
Alisha M. Louie (SBN 240863)  
GREENBERG TRAURIG, LLP  
1900 University Avenue, Fifth Floor  
East Palo Alto, CA 94303  
Telephone: (650) 328-8500  
Facsimile: (650) 328-8508  
Email: goinesw@gtlaw.com  
louiea@gtlaw.com

Jeremy A. Meier (SBN 139849)  
GREENBERG TRAURIG, LLP  
1201 K Street, Suite 1100  
Sacramento, CA 95814-3938  
Telephone: (916) 442-1111  
Facsimile: (916) 448-1709  
Email: meierj@gtlaw.com

Attorneys for Defendants Polo Ralph Lauren  
Corporation; Polo Retail, LLC; Polo Ralph Lauren  
Corporation, doing business in California as Polo Retail  
Corporation; and Fashions Outlet of America, Inc.

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

ANN OTSUKA, an individual; JANIS KEEFE,  
an individual; CORINNE PHIPPS, and  
individual; and JUSTIN KISER, an individual;  
and on behalf of all others similarly situated,

Plaintiff,

v.

POLO RALPH LAUREN CORPORATION, a  
Delaware Corporation; et al.,

Defendants.

Case No. C07-02780 SI

**DECLARATION OF CATHERINE L.  
POST IN SUPPORT OF DEFENDANTS'  
OPPOSITION TO MOTION FOR CLASS  
CERTIFICATION**

Date:

Time:

Dept: Courtroom 10, 19<sup>th</sup> Fl.

Judge: Hon. Susan Illston

1 I, Catherine L. Post, hereby affirm, under penalty of perjury, as follows:

2 1. I presently am the General Manager for Polo Ralph Lauren, located in San Francisco  
3 ("San Francisco store"). I have served in this position since November 2006. Previously, I was the  
4 Assistant General Manager from July 2006 - November 2006. From 1985 to approximately 1998, I  
5 worked for Polo Ralph Lauren in the Palo Alto, Santa Clara, and San Francisco stores. During this  
6 time period I worked as a Sales Associate, Accessories Manager, Women's Department Manager and  
7 Assistant Manager. I have personal knowledge of the facts set forth in this declaration, and if called  
8 as a witness, could and would competently testify as set forth below.

9 2. Presently, I oversee Home Collections Manager, Men's Department Manager,  
10 Women's Department Manager, Operations Manager, Shipping and Receiving Manager  
11 ("Manager"). There is also one key holder ("Key Holder"). A Key Holder is typically a sales associate  
12 with additional responsibilities, e.g., opening and closing the registers, performing bag inspection  
13 checks and alarming/disarming the store. All Managers are paid a salary and are not compensated by  
14 the hour. The Key Holder is compensated by a draw versus commission rate of pay, plus a stipend  
15 for their extra responsibilities.

16 3. At present, there are approximately 20 sales associates that work in the San Francisco  
17 store.

18 4. Myself along with the Home Collections Manager, Men's Department Manager,  
19 Women's Department Manager, and Operations Manager are responsible for interviewing new sales  
20 associate candidates. I meet every sales associate candidate who is ultimately hired, and make the  
21 offer myself.

22 5. When I extend a job offer, I explain scheduling, goal setting, compensation, rest and  
23 meal breaks, benefits and vacation time. I use a Polo checklist as part of the job offer process to  
24 make sure that I explain everything that a new sales associate would need to know and answer any  
25 questions the sales associate might have.

26 6. During the orientation process, the sales associate is provided with a Polo Ralph  
27 Lauren Retail Employee Handbook, a sales associate Compensation Handbook, and an Assimilation  
28

1 Checklist of training procedures which includes the rest break and meal policy. Sales associates are  
2 also given a Asset Protection handbook that explains loss prevention procedures.

### 3 COMPENSATION

4 7. There are three sales associates that work on an on-call basis. All other sales associates  
5 are full-time. The full-time sales associates are scheduled for approximately 40 hours a week.

6 8. All sales associates are compensated by a draw versus commission rate of pay. Senior  
7 sales associates are compensated at either a salary or commission, whichever is greater.

8 9. Most sales associates are career sales associates with a previous history in retail who  
9 manage a book of business with regular clients. Sales associates are required to build long-term  
10 relationships with clients and there is training and support to assist sales associates with follow up to  
11 help them maintain their book of business. The San Francisco store caters to a luxury clientele and  
12 there are high expectations of the sales associates to preserve those relationships. For example, sales  
13 associates track the interests and needs of their clients and call them at home to inform them when  
14 new product arrives that might be of interest to the client.

15 10. Sales associates are not scheduled to work more than 8 hours in a day or 40 hours in a  
16 week.

### 17 CLOCKING IN AND OUT

18 11. The San Francisco store is open 10:00 am - 6:00 pm Monday - Wednesday, 10:00 am -  
19 7:00 pm on Thursday, 10:00 am - 6:00 pm on Friday and Saturday and 12:00 pm - 5:00 pm Sunday .

20 12. There is only one shift in the store with the exception of Thursdays which has two  
21 shifts. The shift schedule is 9:15 - 6:15 Monday- Wednesday, Friday and Saturday, 9:15 - 6:15 and  
22 10:30 - 7:30 on Thursday and 11:30 - 5:30 on Sunday.

23 13. Sales associates are required to use the time-keeping system to record hours worked.  
24 Sales associates clock-in and out at one of the store's cash registers, known as the Point of Sale  
25 System ("POS"). There are 5 cash registers in the store located on the selling floor and there are three  
26 computer terminals located at the back house of the store that can be used for timekeeping. Attached  
27 as Exhibit A is a true and correct copy of the floor plan for the San Francisco store. The five store  
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1 cash registers are designated "I" through "V" on Exhibit A. The three computers located at the back  
2 of house are designated "VI" through "VIII".

3 14. Sales associates clock-in at the start of their shift and clock out when they are ready to  
4 leave at the end of the day.

5 15. At the end of the day when the sales associates have completed their work, they  
6 gather their personal belongings, clock out, and go through a bag inspection check as they are exiting  
7 the store. During this time, a Manager is posted at the employee exit to perform the bag inspection  
8 search. When a Manager is not posted at the employee exit, a sales associate may page a manager via  
9 the store's intercom system to perform the back inspection search. I estimate that it takes on average  
10 1-2 minutes for a sales associate to exit the store after clocking-out.

11 16. It is each sales associate's responsibility to clock-in and out each day. If a sales  
12 associate fails to clock in or clock out, the sales associate may advise a Manager who can discuss  
13 making appropriate changes including making a manual adjustment to the time clock record. Time  
14 clock adjustments are acknowledged in writing on a "Time Clock Correction" form filled out by sales  
15 associates and signed by a Manager and the sales associate with an explanation of the reason for the  
16 time change.

#### 17 LOSS PREVENTION SEARCHES

18 17. The back door located in the back house of the store is the only door sales associates  
19 are permitted to use to enter and exit the store. A true and correct copy of the floor plans for the San  
20 Francisco store is attached hereto as Exhibit A. The back door is used by sales associates to enter and  
21 exit, and is also used as a shipping and receiving door and emergency exit. This door is designated as  
22 "A" on Exhibit A. Door "B" is the main patron door located on Post Street and Kearney Street. Door  
23 "C" is the Home Collections door, which faces the interior of the Crocker Galleria. Door "D" faces  
24 Post Street that is always locked.

25 18. Each time a sales associate exits the store, he/she must undergo a loss prevention  
26 search. The loss prevention search is comprised of having a sales associate show a Manager or a Key  
27 Holder the inside of any bag that they have when they are exiting the store.  
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19. Loss prevention searches are conducted just inside the back door of the store when a sales associate exits for rest and meal breaks.

**REST AND MEAL BREAKS**

20. Meal breaks are scheduled among sales associates within each department. Sales associates generally leave the store for meal breaks. If sales associates leave for their meal break, they clock out and then within minutes of clocking out exit the store after going through a loss prevention search. Upon returning from their meal break or finishing their meal inside the store, sales associates clock in and return to work.

21. When sales associates return from their rest or meal break they ring the bell to the back door. Generally the Shipping and Receiving Manager, who is located near the employee entrance/exit, opens the door to let sales associates in. Typically, either the Shipping and Receiving Manager or another Manager is located in the back house of the store at all times and is able to let sales associates back into the store.

22. Rest breaks are coordinated by the sales associates in each department, with the approval of the department manager. Polo authorizes and permits all sales associates to take a fifteen minute paid rest break after two hours of work.

23. Sales associates do not clock-out for rest breaks.

24. The rest and meal break policy is enumerated in the Polo Retail Employee Handbook. This material is reviewed with each sales associate during their orientation.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on June 17, 2008.

  
Catherine L. Post

## **EXHIBIT 24**

**to Declaration of William J. Goines in Opposition to  
Plaintiffs' Motion for Class Certification**

William J. Goines (SBN 061290)  
 Alisha M. Louie (SBN 240863)  
 GREENBERG TRAURIG, LLP  
 1900 University Avenue, Fifth Floor  
 East Palo Alto, CA 94303  
 Telephone: (650) 328-8500  
 Facsimile: (650) 328-8508  
 Email: goinesw@gtlaw.com  
 louiea@gtlaw.com

Jeremy A. Meier (SBN 139849)  
 GREENBERG TRAURIG, LLP  
 1201 K Street, Suite 1100  
 Sacramento, CA 95814-3938  
 Telephone: (916) 442-1111  
 Facsimile: (916) 448-1709  
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Attorneys for Defendants Polo Ralph Lauren  
 Corporation; Polo Retail, LLC; Polo Ralph Lauren  
 Corporation, doing business in California as Polo Retail  
 Corporation; and Fashions Outlet of America, Inc.

**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA**

ANN OTSUKA, an individual; JANIS KEEFE,  
 an individual; CORINNE PHIPPS, and  
 individual; and JUSTIN KISER, an individual;  
 and on behalf of all others similarly situated,

Plaintiff,

v.

POLO RALPH LAUREN CORPORATION, a  
 Delaware Corporation; et al.,

Defendants.

Case No. C07-02780 SI

**DECLARATION OF EVERETT  
 FERREIRA IN SUPPORT OF  
 DEFENDANTS' OPPOSITION TO  
 PLAINTIFFS' MOTION FOR CLASS  
 CERTIFICATION**

Date: July 11, 2008

Time: 9:00 am

Dept: Courtroom 10, 19<sup>th</sup> Fl.

Judge: Hon. Susan Illston

AND RELATED CROSS-ACTIONS.



1 I, Everett Ferreira, hereby affirm, under penalty of perjury, as follows:

2 1. I presently am the General Manager for Polo Ralph Lauren Factory Outlet Store,  
3 located in Alpine, California. I have served in this position since March 2007. I was previously the  
4 Assistant Manager for Mens and Home in the Carlsbad store for approximately eight months. I have  
5 personal knowledge of the facts set forth in this declaration, and if called as a witness, could and  
6 would competently testify as set forth below.

7 2. Presently, I oversee three managers ("Managers"), including an Assistant Manager  
8 Merchandising, Assistant Manager Human Resources, and an Assistant Manager Operations. All  
9 Managers are paid a salary and are not compensated by the hour. Presently I oversee one supervisor  
10 ("Supervisor"). The Supervisor is paid an hourly rate of pay.

11 3. At present, there are approximately eleven sales associates that work in the store.

12 4. Sales associates are of mixed age and not career retail associates. The average sales  
13 associate works here for approximately eight to nine months, and generally does not develop any  
14 long term customer relationships.

#### 15 **HIRING PROCEDURE**

16 5. The Assistant Manager Human Resources is responsible for interviewing new sales  
17 associate candidates. I interview most sales associate candidate who are ultimately hired.

18 6. During the orientation process, the sales associate is provided with the Polo Ralph  
19 Lauren Retail Employee Handbook, and excerpts from the Loss Prevention Handbook that includes  
20 inspection procedures.

21 7. During the hiring process, the Assistant Manager Human Resources discusses sales  
22 associate compensation and answers any questions that sales associates may have.

23 8. During the orientation process, the sales associate participates in a loss prevention  
24 orientation that consists of safety and check-out procedures on two videos.

#### 25 **COMPENSATION**

26 9. The Alpine store has one full-time non-exempt employee.

27 10. The remaining sales associates are part-time non-exempt employees. The sales  
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1 associates are scheduled for up to 18 hours per week.

2 11. All sales associates are compensated by an hourly rate of pay. No sales associate  
3 receives commission compensation.

4 12. Sales associates on some occasions work more than eight hours in a day or more than  
5 forty hours in a week. In these instances, the sales associate is compensated for overtime at a  
6 premium rate of pay. This amount is 1.5 times the sales associate's base rate of pay.

7 **CLOCKING IN AND OUT**

8 13. There is an opening shipping and receiving shift at 7 am that ends at 11, 12 or 4 pm.

9 14. The opening sales associate shift is 9 am to 6 pm. The mid sales associate shift is  
10 from 12 or 1 pm to 5, 6 or 9 pm. The last shift of the day starts at 4 pm and goes until 9 pm. Shifts  
11 are approximately four to eight hours.

12 15. The opening Manager is aware of when sales associates are due to arrive and generally  
13 in the morning works in the store within audible distance of a sales associate knocking on the door.  
14 Sales associates can and do call the Manager on their cell phone if they need to be let into the store.  
15 All employees are provided with the store phone number.

16 16. All doors to the store are unlocked at 10 am when the store opens.

17 17. Monday through Saturday the store hours are 10 am to 8 pm, and on Sundays store  
18 hours are 11 am to 7 pm.

19 18. At all times, there is a Customer Service Manager ("CSM") on duty. A CSM is an  
20 employee with management responsibilities, either as the General Manager, Assistant Manager or  
21 Supervisor. The CSM is responsible for coordinating the sales associates while they work on the  
22 floor.

23 19. With the number of different shifts in the store, sales associates finish with their shifts  
24 at different points throughout the day. The CSM is constantly monitoring the shift schedule and will  
25 advise sales associates when their shift is over. The sales associate will then be instructed to clock  
26 out, and one of the Managers performs a loss prevention search.

27 20. It takes one to three minutes for a sales associate to exit the store after clocking out. At  
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1 any given time there is one Manager or supervisor in the store with the ability to perform a loss  
2 prevention search.

3 21. Sales associates are required to use the time-keeping system to record hours worked.  
4 Sales Associates clock-in at one of the store's cash registers, known as the Point of Sale System  
5 ("POS"). A true and correct copy of the floor plan for the Alpine store is attached hereto as Exhibit  
6 A. There are 3 cash registers in the store, indicating on Exhibit A as "I". Sales associates clock-in  
7 after putting away their personal belongings.

8 22. It is each sales associate's responsibility to clock-in and out each day. If a sales  
9 associates forgets to clock-in or clock-out, the sales associate may advise a Manager who can discuss  
10 making appropriate changes including making a manual adjustment to the time clock record.

#### 11 LOSS PREVENTION SEARCHES

12 23. A true and correct copy of the floor plan for the Alpine store is attached as Exhibit A.  
13 The door designated as "A" is the main door where sales associates enter and exit. This is also used  
14 as a patron door. Door "B" is the shipping and receiving entrance and also an emergency exit.  
15 Employees are not permitted to use this door to enter or leave the store.

16 24. Each time a sales associate exits the store, he/she must undergo a loss prevention  
17 search. The procedure for the loss prevention search is for each sales associate to show the contents  
18 of any bag in their possession to a Manager. A Manager is not permitted to touch or put their hands  
19 inside the bag of a sales associate.

20 25. I have never received any complaints regarding the loss prevention search procedure,  
21 including any complaints that the process is time consuming, humiliating or causes emotional  
22 distress.

#### 23 REST AND MEAL BREAKS

24 26. At the beginning of each sales shift, the CSM arranges a meeting on the floor of the  
25 store to update each sales associate as to the sales goals for the day. The CSM also designates the  
26 area which each sales associate will be covering. In addition, the CSM informs the sales associate of  
27 the schedule for the day including the time when each sales associate will be designated to go on  
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1 his/her rest or meal break.

2 27. The schedule for rest and meal breaks is written down on the Daily Planning Agenda.  
3 This form has a list of all sales associates scheduled to work and lists when each sales associate is  
4 scheduled to take their rest and meal breaks. When a sales associate leaves to take their rest or meal  
5 break, they initial the Daily Planning Agenda next to their rest or meal break time to indicate that  
6 they have taken their rest or meal break.

7 28. The CSM is aware of when rest and meal breaks are scheduled. The CSM typically  
8 will advise a sales associate when it is his/her time to leave for a scheduled rest or meal break.

9 29. Sales associates do not clock-out for rest breaks.

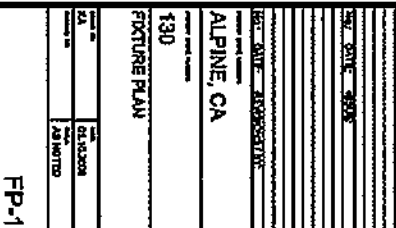
10 30. Sales associates clock-out for meal breaks. Sales associates typically leave the store  
11 during their meal break after gathering their belonging and finding a Manager or Supervisor to  
12 perform a loss prevention search.

13 31. The rest and meal break policy is enumerated in the Polo Retail Employee Handbook.  
14 This material is reviewed with each sales associate during their orientation.

15 I declare under penalty of perjury under the laws of the State of California that the foregoing  
16 is true and correct.

17 Executed on March 7, 2008

18   
19 Everett Ferreira



POLO  RALPH LAUREN

**FB-1**

## **EXHIBIT 25**

**to Declaration of William J. Goines in Opposition to  
Plaintiffs' Motion for Class Certification**

William J. Goines (SBN 061290)  
 Alisha M. Louie (SBN 240863)  
 GREENBERG TRAURIG, LLP  
 1900 University Avenue, Fifth Floor  
 East Palo Alto, CA 94303  
 Telephone: (650) 328-8500  
 Facsimile: (650) 328-8508  
 Email: goinesw@gtlaw.com  
 louiea@gtlaw.com

Jeremy A. Meier (SBN 139849)  
 GREENBERG TRAURIG, LLP  
 1201 K Street, Suite 1100  
 Sacramento, CA 95814-3938  
 Telephone: (916) 442-1111  
 Facsimile: (916) 448-1709  
 Email: meierj@gtlaw.com

Attorneys for Defendants Polo Ralph Lauren  
 Corporation; Polo Retail, LLC; Polo Ralph Lauren  
 Corporation, doing business in California as Polo Retail  
 Corporation; and Fashions Outlet of America, Inc.

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA**

ANN OTSUKA, an individual; JANIS KEEFE,  
 an individual; CORINNE PHIPPS, and  
 individual; and JUSTIN KISER, an individual;  
 and on behalf of all others similarly situated,

Plaintiff,

v.

POLO RALPH LAUREN CORPORATION, a  
 Delaware Corporation; et al.,

Defendants.

Case No. C07-02780 SI

**DECLARATION OF DIANE WILSON IN  
 SUPPORT OF DEFENDANTS'  
 OPPOSITION TO PLAINTIFFS'  
 MOTION FOR CLASS  
 CERTIFICATION**

Date: July 11, 2008

Time: 9:00 a.m.

Dept: Courtroom 10, 19<sup>th</sup> Fl.

Judge: Hon. Susan Illston



1 I, Diane Wilson, hereby affirm, under penalty of perjury, as follows:

2 1. I presently am the General Manager for Polo Ralph Lauren Factory Outlet Store,  
3 located in Anderson, California ("Anderson store"). I have served in this position since March 2003.  
4 I was previously the Merchandising Manager for the Polo Ralph Lauren Factory Outlet Store, located  
5 in Cabazon, California from October 2001-March 2003. I have personal knowledge of the facts set  
6 forth in this declaration, and if called as a witness, could and would competently testify as set forth  
7 below.

8 2. Presently, I oversee three managers ("Managers"), including an Assistant Manager  
9 Merchandising, Assistant Manager Human Resources, and an Assistant Manager Operations. All  
10 Managers are paid a salary and are not compensated by the hour. Presently I oversee one supervisor  
11 ("Supervisor"). The Supervisor is paid an hourly rate of pay.

12 3. At present, there are approximately 4 sales associates that work in the store.

13 4. Sales associates are generally students and not career retail associates. The average  
14 associate works here for approximately one to two years, and generally does not develop any long  
15 term customer relationships.

#### 16 HIRING PROCEDURE

17 5. The Assistant Manager Human Resources is responsible for interviewing new sales  
18 associate candidates. I interview some sales associate candidate who are ultimately hired.

19 6. During the hiring process, the sales associate is provided with the Polo Ralph Lauren  
20 Retail Employee Handbook, and excerpts from the Loss Prevention Handbook that includes  
21 inspection procedures.

22 7. During the hiring process, the Assistant Manager Human Resources discusses sales  
23 associate compensation and answers any questions that sales associates may have.

24 8. During the orientation process, the sales associate participates in a loss prevention  
25 orientation that consists of safety and check-out procedures on two videos.

#### 26 COMPENSATION

27 9. The Anderson store does not have any full-time non-exempt sales associates.  
28

1           10. All of the sales associates are part-time non-exempt employees. The sales associates  
2 are scheduled for up to 20 hours per week on average.

3           11. All sales associates are compensated by an hourly rate of pay. No sales associate  
4 receives commission compensation.

5           12. Sales associates on some occasions work more than eight hours in a day or more than  
6 forty hours in a week. In these instances, the sales associate is compensated for overtime at a  
7 premium rate of pay. This amount is 1.5 times the sales associate's base rate of pay.

8                           **CLOCKING IN AND OUT**

9  
10           13. Since there are so few sales associates in this store, shifts are scheduled seasonally and  
11 based on the needs. The store hours are Monday through Saturday from 9:30 to 8:00 pm, and Sunday  
12 from 11 am to 6 pm. Shifts are approximately four to five hours.

13           14. The opening Manager is aware of when a sales associates are due to arrive and  
14 generally in the morning works in the store within audible distance of a sales associate knocking on  
15 the door. Sales associates can and do call the Manager on their cell phone if they need to be let into  
16 the store. All employees are provided with the store phone number.

17           15. All doors to the store are unlocked at 9:30 am or 11 am when the store opens.

18           16. At all times, there is a Customer Service Manager ("CSM") on duty. A CSM is an  
19 employee with management responsibilities, either as the General Manager, Assistant Manager or  
20 Supervisor. The CSM is responsible for coordinating the sales associates while they work on the  
21 floor.

22           17. The CSM is constantly monitoring the shift schedule and will advise sales associates  
23 when their shift is over. The sales associate will then be instructed to clock out, and the Manager  
24 performs a loss prevention search.

25           18. It takes approximately 2-3 minutes for a sales associate to exit the store after clocking  
26 out.

27           19. Sales associates are required to use the time-keeping system to record hours worked.  
28

1 Sales Associates clock-in at one of the store's cash registers, known as the Point of Sale System  
2 ("POS"). A true and correct copy of the floor plan for the Anderson store is attached hereto as  
3 Exhibit A. There are 3 cash registers in the store, indicating on Exhibit A as "I". Sales associates  
4 clock-in after putting away their personal belongings.

5 20. It is each sales associate's responsibility to clock-in and out each day. If a sales  
6 associates forgets to clock-in or clock-out, the sales associate may advise a Manager who can discuss  
7 making appropriate changes including making a manual adjustment to the time clock record.

#### 8 LOSS PREVENTION SEARCHES

9 21. A true and correct copy of the floor plan for the Anderson store is attached as Exhibit  
10 A. The door designated as "A" is the main door where sales associates enter and exit. This is also  
11 used as a patron door. Door "B" is the shipping and receiving entrance and is also used as an  
12 emergency exit. Employees are not permitted to use this door to enter or leave the store.

13 22. Each time a sales associate exits the store, he/she must undergo a loss prevention  
14 search. The procedure for the loss prevention search is for each sales associate to show the contents  
15 of any bag in their possession to a Manager. A Manager is not permitted to put their hands inside the  
16 bag of a sales associate.

17 23. When I was the Merchandising Manager in the Cabazon store, loss prevention  
18 searches were conducted similarly as described above. I would estimate from the time a sales  
19 associate clocked out until the sales associate exited the store, following a loss prevention search, the  
20 majority of the time this process took 5 minutes. The search time was longer in the Cabazon store  
21 than the Anderson store because the Cabazon store is much larger and has many more employees.

22 24. I have never received any complaints regarding the loss prevention search procedure,  
23 including any complaints that the process is time consuming, humiliating or causes emotional  
24 distress, in either the Anderson or Cabazon stores.

#### 25 REST AND MEAL BREAKS

26 25. At the beginning of each sales shift, the CSM arranges a meeting on the floor of the  
27  
28

1 store to update each sales associate as to the sales goals for the day. In addition, the CSM informs the  
2 sales associate of the schedule for the day including the time when each sales associate will be  
3 designated to go on his/her rest or meal break.

4 26. The schedule for rest and meal breaks is written down on the Daily Planning Agenda.  
5 This form has a list of all sales associates scheduled to work and lists when each sales associate is  
6 scheduled to take their rest and meal breaks. When a sales associate leaves to take their rest or meal  
7 break, they initial the Daily Planning Agenda next to their rest or meal break time to indicate that  
8 they have taken their rest or meal break.

9 27. The CSM is aware of when rest and meal breaks are scheduled. The CSM typically  
10 will advise a sales associate when it is his/her time to leave for a scheduled rest or meal break.

11 28. Sales associates do not clock-out for rest breaks.

12 29. Sales associates clock-out for meal breaks. Sales associates typically leave the store  
13 during their meal break after gathering their belonging and finding a Manager or Supervisor to  
14 perform a loss prevention search.

15 30. The rest and meal break policy is enumerated in the Polo Retail Employee Handbook.  
16 This material is reviewed with each sales associate during their orientation.

### 17 SCHEDULING

18 31. In both my role as General Manager for the Anderson store and Merchandising  
19 Manager for the Cabazon store, I have responsibility for scheduling. The schedule is prepared by the  
20 Assistant Manager Human Resources with my approval. In both the Anderson and Cabazon stores, I  
21 ensured that the schedule was structured to allow for full-coverage on the floor. Based on the  
22 schedules prepared in the Anderson and Cabazon stores, time for rest and meal breaks were always  
23 accommodated and there was always adequate manager coverage to perform loss prevention  
24 searches.

25 32. Furthermore, scheduling in the Anderson and Cabazon stores takes into account the  
26 availability of management. For example, the schedule will not have both start-of-shift meetings,  
27 which are led by a manager, and employees ending their shifts, occurring at the same time. This  
28

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1 allows for proper management availability on the floor when employees are ending their shifts and  
2 require bag inspection searches.

3 33. As General Manager for both the Anderson store and Merchandising Manager for the  
4 Cabazon stores, I always ensured that the schedule provided for manager availability during  
5 necessary times, including the end-of-shifts when employees would require a bag inspection by a  
6 manager.

7 **KATY FAWVER DECLARATION**

8 1. I have read the Declaration of Katy Fawver. I was the General Manager for the time  
9 period that Katy worked in the Anderson store.

10 2. Katy's statement that she never took rest breaks is contrary to my observations as an  
11 General Manager in this store. When I worked I made sure the sales associates working during my  
12 shift took rest breaks.

13 3. Katy's statement that she waited 15 to 20 minutes for a bag inspection after clocking  
14 out is contrary to my observation as the General Manager in this store. We instruct sales associates  
15 not to clock out until everyone is ready to leave the store together to avoid the kind of wait times that  
16 Katy describes. I have never observed wait times as long as what Katy describes; generally wait times  
17 for the bag inspection are 2 to 3 minutes and 5 minutes at the most.

18 I declare under penalty of perjury under the laws of the State of California that the foregoing  
19 is true and correct.

20 Executed on June 19, 2008

21   
22 Diane Wilson

## **EXHIBIT 26**

**to Declaration of William J. Goines in Opposition to  
Plaintiffs' Motion for Class Certification**

1 William J. Goines (SBN 061290)  
2 Alisha M. Louie (SBN 240863)  
3 GREENBERG TRAURIG, LLP  
4 1900 University Avenue, Fifth Floor  
5 East Palo Alto, CA 94303  
6 Telephone: (650) 328-8500  
7 Facsimile: (650) 328-8508  
8 Email: goinesw@gtlaw.com  
9 louiea@gtlaw.com

10 Jeremy A. Meier (SBN 139849)  
11 GREENBERG TRAURIG, LLP  
12 1201 K Street, Suite 1100  
13 Sacramento, CA 95814-3938  
14 Telephone: (916) 442-1111  
15 Facsimile: (916) 448-1709  
16 Email: meierj@gtlaw.com

17 Attorneys for Defendants Polo Ralph Lauren  
18 Corporation; Polo Retail, LLC; Polo Ralph Lauren  
19 Corporation, doing business in California as Polo Retail  
20 Corporation; and Fashions Outlet of America, Inc.

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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

ANN OTSUKA, an individual; JANIS KEEFE,  
an individual; CORINNE PHIPPS, and  
individual; and JUSTIN KISER, an individual;  
and on behalf of all others similarly situated,

Plaintiff,

v.

POLO RALPH LAUREN CORPORATION, a  
Delaware Corporation; et al.,

Defendants.

Case No. C07-02780 SI

**DECLARATION OF TANYA TAYLOR  
IN SUPPORT OF DEFENDANTS'  
OPPOSITION TO PLAINTIFFS'  
MOTION FOR CLASS  
CERTIFICATION**

Date: July 11, 2008

Time: 9:00 a.m.

Dept: Courtroom 10, 19<sup>th</sup> Fl.

Judge: Hon. Susan Illston



1 I, Tanya Taylor, hereby affirm, under penalty of perjury, as follows:

2 1. I presently am the General Manager for Polo Ralph Lauren Factory Outlet Store,  
3 located in Barstow, California. I have served in this position since February 2007. I was previously  
4 the Assistant Manager Operations for Ontario Mills. I have personal knowledge of the facts set forth  
5 in this declaration, and if called as a witness, could and would competently testify as set forth below.

6 2. Presently, I oversee four managers ("Managers"), including an Assistant Manager  
7 Merchandising - Men's and Home, Assistant Manager Merchandising - Women's and Kids, Assistant  
8 Manager Human Resources, and an Assistant Manager Operations. All Managers are paid a salary  
9 and are not compensated by the hour. Presently I oversee four supervisors ("Supervisors"), including  
10 a point of sale supervisor, a supervisor for Women's and Kid's, Men's and Home, and Shipping and  
11 Receiving. All Supervisors are paid an hourly rate of pay.

12 3. At present, there are approximately 40 sales associates that work in the store.

13 4. Sales associates are generally students and not career retail associates. The average  
14 associate works here for four to six months, and generally does not develop any long term customer  
15 relationships.

#### 16 HIRING PROCEDURE

17 5. The Assistant Manager Human Resources is responsible for interviewing new sales  
18 associate candidates. I interview every sales associate candidate who is ultimately hired.

19 6. During the hiring process, the sales associate is provided with the Polo Ralph Lauren  
20 Retail Employee Handbook, and excerpts from the Loss Prevention Handbook that includes  
21 inspection procedures.

22 7. During the hiring process, the Assistant Manager Human Resources discusses sales  
23 associate compensation and answers any questions that sales associates may have.

24 8. During the orientation process, the sales associate participates in a loss prevention  
25 orientation that consists of safety and check-out procedures on two videos.

#### 26 COMPENSATION

27 9. Two sales associates are full-time non-exempt employees.  
28

1           10. All other sales associates are part-time non-exempt employees. The sales associates  
2 are scheduled for up to 20 hours per week.

3           11. All sales associates are compensated by an hourly rate of pay. No sales associate  
4 receives commission compensation.

5           12. Sales associates rarely work more than eight hours in a day or more than forty hours in  
6 a week. In these instances, the sales associate is compensated for overtime at a premium rate of pay.  
7 This amount is 1.5 times the sales associate's base rate of pay.

8                                   **CLOCKING IN AND OUT**

9           13. There are four shifts in the Barstow store

10          14. There is an opening shipping and receiving shift at 5 am that ends at 9 am.

11          15. The opening sales associate store shift is 9 am to 2 pm. The mid shift is from 11 am to  
12 3 pm shift. The last shift of the day starts at 4 pm and goes until 10 pm. Shifts are approximately  
13 four to six hours.

14          16. The opening Manager is aware of when sales associates are due to arrive and generally  
15 in the morning works in the store near the door within audible distance of a sales associate knocking  
16 on the door. Sales associates can and do call the Manager on their cell phone if they need to be let  
17 into the store. All employees are provided with the store phone number.

18          17. All doors to the store are unlocked at 9 am when the store opens.

19          18. The store hours are 9 am to 8 pm.

20          19. At all times, there is a Customer Service Manager ("CSM") on duty. A CSM is an  
21 employee with management responsibilities, either as the General Manager, Assistant Manager or  
22 Supervisor. The CSM is responsible for coordinating the sales associates while they work on the  
23 floor.

24          20. With the number of different shifts in the store, sales associates finish with their shifts  
25 at different points throughout the day. The CSM is constantly monitoring the shift schedule and will  
26 advise sales associates when their shift is over. The sales associate will then be instructed to clock  
27 out, and one of the Managers or Supervisors performs a loss prevention search. The CSM  
28

1 communicates with other Managers in the store via walkie-talkie to coordinate a timely loss  
2 prevention search after a sales associate clocks out. Sales associates also have access to walkie-talkies  
3 and may request a Manager to meet them at the front of the store to perform a loss prevention search.

4 21. It takes approximately one minute for a sales associate to exit the store after clocking  
5 out. There are generally two to three Managers or Supervisors in the store with the ability to perform  
6 a loss prevention search at any given time.

7 22. Sales associates are required to use the time-keeping system to record hours worked.  
8 Sales Associates clock-in at one of the store's cash registers, known as the Point of Sale System  
9 ("POS"). A true and correct copy of the floor plan for the Barstow store is attached hereto as Exhibit  
10 A. There are 6 cash registers in the store, indicating on Exhibit A as "I". Sales associates clock-in  
11 after putting away their personal belongings.

12 23. It is each sales associate's responsibility to clock-in and out each day. If a sales  
13 associate forgets to clock-in or clock-out, the sales associate may advise a Manager who can discuss  
14 making appropriate changes including making a manual adjustment to the time clock record.

#### 15 LOSS PREVENTION SEARCHES

16 24. A true and correct copy of the floor plan for the Barstow store is attached as Exhibit  
17 A. The door designated as "A" is the main door where sales associates enter and exit. This is also  
18 used as a patron door. Door "B" is the shipping and receiving exit. Door "C" is an emergency exit.  
19 Door "D" is a patron entrance only. Employees are not permitted to use this door to enter or leave  
20 the store.

21 25. Each time a sales associate exits the store, he/she must undergo a loss prevention  
22 search.

23 26. Most sales associates in the Barstow store do not bring a purse or backpack in the  
24 store at all. Sales associates who do wish to bring in a purse or backpack must have a clear bag  
25 whose contents are visible from outside the bag. This policy expedites the loss prevention searches  
26 when sales associates exit the store.

27 27. I have never received any complaints regarding the loss prevention search procedure,  
28

1 including any complaints that the process is time consuming, humiliating or causes emotional  
2 distress.

### 3 REST AND MEAL BREAKS

4 28. At the beginning of each sales shift, the CSM arranges a meeting on the floor of the  
5 store to update each sales associate as to the sales goals for the day. The CSM also designates the  
6 area which each sales associate will be covering. In addition, the CSM informs the sales associate of  
7 the schedule for the day including the time when each sales associate will be designated to go on  
8 his/her rest or meal break.

9 29. The schedule for rest and meal breaks is written down on the Daily Planning Agenda.  
10 This form has a list of all sales associates scheduled to work and lists when each sales associate is  
11 scheduled to take their rest and meal breaks. When a sales associate leaves to take their rest or meal  
12 break, they initial the Daily Planning Agenda next to their rest or meal break time to indicate that  
13 they have taken their rest or meal break.

14 30. The CSM is aware of when rest and meal breaks are scheduled. The CSM typically  
15 will advise a sales associate when it is his/her time to leave for a scheduled rest or meal break.

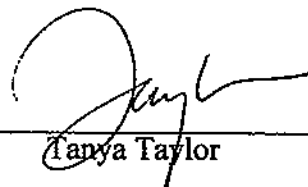
16 31. Sales associates do not clock-out for rest breaks.

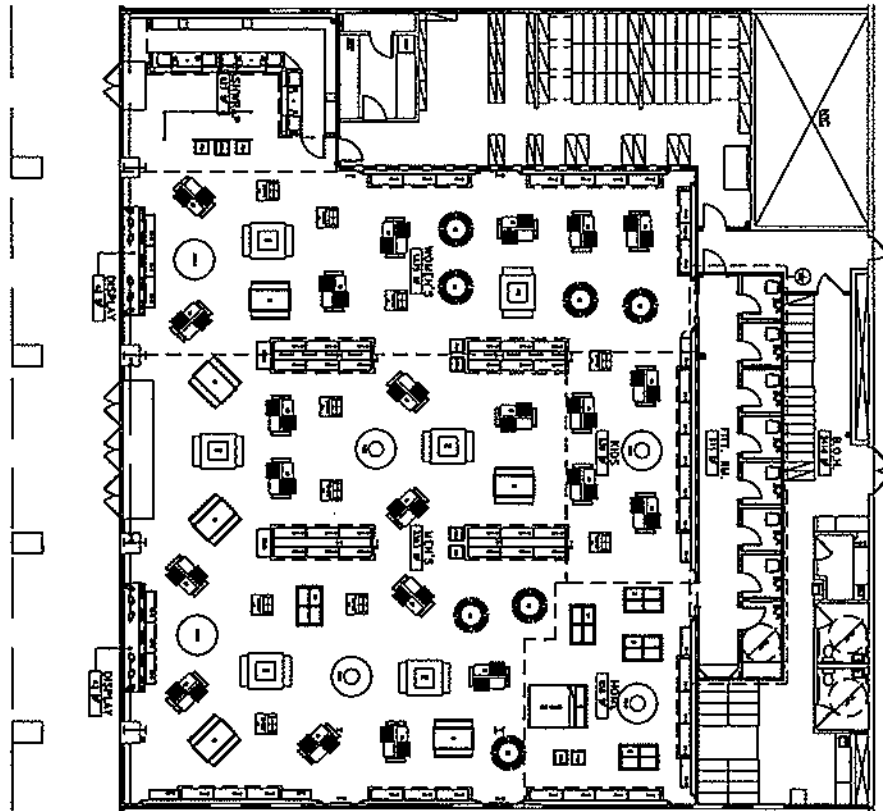
17 32. Sales associates clock-out for meal breaks. Sales associates typically leave the store  
18 during for their meal break after gathering their belonging and finding a Manager or Supervisor to  
19 perform a loss prevention search.

20 33. The rest and meal break policy is enumerated in the Polo Retail Employee Handbook.  
21 This material is reviewed with each sales associate during their orientation.

22 I declare under penalty of perjury under the laws of the State of California that the foregoing  
23 is true and correct.

24 Executed on February 1, 2008.

25  
26   
27 Tanya Taylor  
28

[illegible]

POLO  RALPH LAUREN

## **EXHIBIT 27**

**to Declaration of William J. Goines in Opposition to  
Plaintiffs' Motion for Class Certification**

William J. Goines (SBN 061290)  
 Alisha M. Louie (SBN 240863)  
 GREENBERG TRAURIG, LLP  
 1900 University Avenue, Fifth Floor  
 East Palo Alto, CA 94303  
 Telephone: (650) 328-8500  
 Facsimile: (650) 328-8508  
 Email: goinesw@gtlaw.com  
 louiea@gtlaw.com

Jeremy A. Meier (SBN 139849)  
 GREENBERG TRAURIG, LLP  
 1201 K Street, Suite 1100  
 Sacramento, CA 95814-3938  
 Telephone: (916) 442-1111  
 Facsimile: (916) 448-1709  
 Email: meierj@gtlaw.com

Attorneys for Defendants Polo Ralph Lauren  
 Corporation; Polo Retail, LLC; Polo Ralph Lauren  
 Corporation, doing business in California as Polo Retail  
 Corporation; and Fashions Outlet of America, Inc.

# UNITED STATES DISTRICT COURT

## NORTHERN DISTRICT OF CALIFORNIA

ANN OTSUKA, an individual; JANIS KEEFE,  
 an individual; CORINNE PHIPPS, and  
 individual; and JUSTIN KISER, an individual;  
 and on behalf of all others similarly situated,

Plaintiff,

v.

POLO RALPH LAUREN CORPORATION, a  
 Delaware Corporation; et al.,

Defendants.

Case No. C07-02780 SI

### DECLARATION OF GEORGE VALENCIA IN SUPPORT OF DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION FOR CLASS CERTIFICATION

Date:

Time:

Dept: Courtroom 10, 19<sup>th</sup> Fl.

Judge: Hon. Susan Illston

AND RELATED CROSS-ACTIONS.



1 I, George Valencia, hereby affirm, under penalty of perjury, as follows:

2 1. I presently am the General Manager for Ralph Lauren Factory Outlet Store, located in  
3 Cabazon, California. I have served in this position since May 2007. I was previously the Mens and  
4 Home Manager for the Polo Ralph Lauren Factory Outlet Store for just over six months. I have  
5 personal knowledge of the facts set forth in this declaration, and if called as a witness, could and  
6 would competently testify as set forth below.

7 2. Presently, I oversee two selling managers ("Managers"), including an Assistant  
8 Manager Human Resources, and an Assistant Manager Merchandising. All managers are paid a  
9 salary and are not compensated by the hour. Presently I oversee one supervisor ("Supervisor"). All  
10 Our Supervisor is paid an hourly rate of pay.

11 3. At present, there are approximately twelve sales associates that work in the store.

12 4. Sales associates are generally students and not career retail associates. The average  
13 associate works here for approximately one year, and generally develops some long term customer  
14 relationships.

#### 15 **HIRING PROCEDURE**

16 5. The Assistant Manager Human Resources is responsible for interviewing new sales  
17 associate candidates. I interview every sales associate candidate who is ultimately hired.

18 6. During the hiring process, the sales associate is provided with the Polo Ralph Lauren  
19 Retail Employee Handbook, and excerpts from the Loss Prevention Handbook that includes  
20 inspection procedures.

21 7. During the hiring process, the Assistant Manager Human Resources discusses sales  
22 associate compensation and answers any questions that sales associates may have.

23 8. During the orientation process, the sales associate participates in a loss prevention  
24 orientation that consists of safety and check-out procedures on two videos.

#### 25 **COMPENSATION**

26 9. The Cabazon store does not have any full-time sales associates.

27 10. All sales associates are part-time. The sales associates are scheduled for up to 15  
28

1 hours per week.

2 11. All sales associates are compensated by an hourly rate of pay. No sales associate  
3 receives commission compensation.

4 12. Sales associates on some occasions work more than eight hours in a day or more than  
5 forty hours in a week. In these instances, the sales associate is compensated for overtime at a  
6 premium rate of pay. This amount is 1.5 times the sales associate's base rate of pay.

7 **CLOCKING IN AND OUT**

8 13. There is an opening sales associate shift at 9 am that ends at 2 or 3 pm. The mid shift  
9 starts at 11 am or 12 pm and ends at 5 or 6 pm. The last shift of the day starts at 4 pm and ends at 8  
10 pm. Shifts are approximately four to six hours.

11 14. The opening Manager is aware of when sales associates are due to arrive and generally  
12 in the morning works in the store within audible distance of a sales associate knocking on the door.

13 15. All doors to the store are unlocked at 10 am when the store opens.

14 16. Sunday through Thursday the store hours are 10 am to 8 pm, and on Friday the store  
15 hours are 10 am to 9 pm.

16 17. At all times, there is a Customer Service Manager ("CSM") on duty. A CSM is an  
17 employee with management responsibilities, either as the General Manager, Assistant Manager or  
18 Supervisor. The CSM is responsible for coordinating the sales associates while they work on the  
19 floor.

20 18. With the number of different shifts in the store, sales associates finish with their shifts  
21 at different points throughout the day. The CSM monitors the shift schedule and will advise sales  
22 associates when their shift is over. The sales associate will then be instructed to clock out, and one of  
23 the Managers performs a loss prevention search.

24 19. It takes approximately two to five minutes for a sales associate to exit the store after  
25 clocking out. At any given time there is a minimum of two Managers or supervisors in the store with  
26 the ability to perform a loss prevention search.

27 20. Sales associates are required to use the time-keeping system to record hours worked.  
28

1 Sales Associates clock-in at one of the store's cash registers, known as the Point of Sale System  
2 ("POS"). A true and correct copy of the floor plan for the Ralph Lauren Cabazon store is attached  
3 hereto as Exhibit A. There are 2 cash registers in the store, indicating on Exhibit A as "I". Sales  
4 associates can also clock in on two computers located in the back area of the stores. Sales associates  
5 clock-in after putting away their personal belongings.

6 21. It is each sales associate's responsibility to clock-in and out each day. If a sales  
7 associates forgets to clock-in or clock-out, the sales associate may advise a Manager who can discuss  
8 making appropriate changes including making a manual adjustment to the time clock record.

#### 9 LOSS PREVENTION SEARCHES

10 22. A true and correct copy of the floor plan for the Ralph Lauren Cabazon store is  
11 attached as Exhibit A. The door designated as "A" is the main door where sales associates enter and  
12 exit. This is also used as a patron door. Door "B" and "C" are shipping and receiving entrances and  
13 can also be used as an emergency exit. Employees are not permitted to use this door to enter or leave  
14 the store.

15 23. Each time a sales associate exits the store, he/she must undergo a loss prevention  
16 search. The procedure for the loss prevention search is for each sales associate to show the contents  
17 of any bag in their possession to a Manager. A Manager is not permitted to put their hands inside the  
18 bag of a sales associate.

19 24. I have never received any complaints regarding the loss prevention search procedure,  
20 including any complaints that the process is time consuming, humiliating or causes emotional  
21 distress.

#### 22 REST AND MEAL BREAKS

23 25. At the beginning of each sales shift, the CSM arranges a meeting on the floor of the  
24 store to update each sales associate as to the sales goals for the day. The CSM also designates the  
25 area which each sales associate will be covering. In addition, the CSM informs the sales associate of  
26 the schedule for the day including the time when each sales associate will be designated to go on  
27 his/her rest or meal break.  
28

1           26.    The schedule for rest and meal breaks is written down on the Daily Planning Agenda.  
2 This form has a list of all sales associates scheduled to work and lists when each sales associate is  
3 scheduled to take their rest and meal breaks. When a sales associate leaves to take their rest or meal  
4 break, they initial the Daily Planning Agenda next to their rest or meal break time to indicate that  
5 they have taken their rest or meal break.

6           27.    The CSM is aware of when rest and meal breaks are scheduled. The CSM typically  
7 will advise a sales associate when it is his/her time to leave for a scheduled rest or meal break.

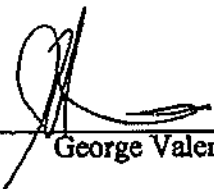
8           28.    Sales associates do not clock-out for rest breaks.

9           29.    Sales associates clock-out for meal breaks. Sales associates typically leave the store  
10 during their meal break after gathering their belonging and finding a Manager or Supervisor to  
11 perform a loss prevention search.

12           30.    The rest and meal break policy is enumerated in the Polo Retail Employee Handbook.  
13 This material is reviewed with each sales associate during their orientation.

14           I declare under penalty of perjury under the laws of the State of California that the foregoing  
15 is true and correct.

16           Executed on March 4, 2008

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18 \_\_\_\_\_  
19 George Valencia  
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